

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

RAFAEL NERIS-MARIA,

Petitioner,

-against-

BOARD OF IMMIGRATION APPEALS, and  
ROGER PAULEY, Board Member, and  
JEFFREY S. CHASE, Immigration Judge,

Respondents.

FILED  
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**MEMORANDUM AND ORDER**

Case No. 04-CV-4834 (FB) (RML)

**BLOCK, Senior District Judge:**

Rafael Neris-Maria ("Neris-Maria") petitions the Court for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. His petition challenges the final order of removal entered in the Board of Immigration Appeals' File Number A37-041-154.

"The REAL ID Act[, Pub. L. No. 109-13, 119 Stat. 231,] eliminates *habeas corpus* review of orders of removal and requires that any § 2241 petition pending in the district court . . . be transferred to the court of appeals in which the petition could have been properly brought as a petition for review from a final order of removal under 8 U.S.C. § 1252." *Marquez-Almanzar v. I.N.S.*, 418 F.3d 210, 212 (2d Cir. 2005). Accordingly, the petition is transferred to the United States Court of Appeals for the Second Circuit; further removal proceedings are stayed pending further action by the circuit court.

**SO ORDERED.**

  
FREDERIC BLOCK  
United States Senior District Judge

Brooklyn, New York  
January 3, 2006